



**REJECTION UNDER 35 U.S.C. §102(e)**

In the Advisory Action mailed June 13, 2006, claims 1, 5-8, 16-22, 24 and 26 were rejected under 35 U.S.C. §102(e) as anticipated by Borders *et al.* (U.S. Patent No. 6,511,962). Applicants respectfully submit that this ground of rejection has been rendered moot and, without agreeing or acquiescing with the maintained rejection for reasons previously made of record, that the current claims do not include laspartomycin. Accordingly, Applicants respectfully submit that the instant claims are novel and, therefore, request that this rejection be withdrawn.

**REJECTION UNDER 35 U.S.C. §103(a)**

In the Advisory Action, the Examiner maintained the rejection of claim 9 under 35 U.S.C. § 103(a) as obvious over the '962 patent. As set forth above, common ownership of the instant invention and the '962 patent has been established and, therefore, the '962 patent is not prior art. Thus, Applicants submit that the instant rejection has been obviated and request that it be withdrawn.

All of the claims pending in this application (1, 5-9, 16-22 and 24-26) are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is urged to contact the undersigned attorney if there are any questions prior to allowance of this matter.

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Respectfully submitted,

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